

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JENNIFER ROUSSELL, ON BEHALF OF
HERSELF AND OTHERS SIMILARLY SITUATED,

PLAINTIFF,

VS.

BRINKER INTERNATIONAL, INC.,

DEFENDANT.

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CIVIL ACTION No. 4:05-CV-03733

Jury Requested

PLAINTIFF'S UNOPPOSED MOTION FOR NOTICE TO POTENTIAL CLASS MEMBERS

Jennifer Roussell, on behalf of herself and other similarly situated current and former employees of Brinker Payroll Company files this Unopposed Motion for Notice to Potential Class Members. As reflected in the pleadings, Plaintiff contends that Brinker International, Inc., doing business as Chili's Grill & Bar restaurants ("Chili's"), maintained a tip pool under which some of her tips were involuntarily shared with QAs (also known as "Quality Assurance workers," "Expeditors" and "expos"). Roussell contends that federal law prohibits Chili's from requiring or maintaining a tip pool from which QAs, Quality Assurance workers, Expeditors, or expos collect tips. Roussell contends other Servers participated in this type of allegedly invalid tip pool. Chili's denies Plaintiff's allegations.

Plaintiff seeks to maintain this litigation as a collective action and to give notice of the lawsuit to similarly situated employees. In order to allow persons who are similarly situated to Plaintiff to obtain information about this litigation and elect whether they wish to file a consent to join the litigation, Plaintiff moves the Court to approve the form of Notice attached hereto as Exhibit A, and to permit Plaintiff to issue notice to potential class members. As reflected below

and as stated by Chili's counsel during the Status Conference held by the Court on August 16, 2006, Chili's does not oppose a motion for approval of the form of Notice attached hereto as Exhibit A, and does not oppose a motion by Plaintiff seeking permission to issue notice in that form.

Respectfully submitted,

Martin Shellist (by RJB)

Martin A. Shellist

State Bar No. 00786487

Federal I.D. No. 16456

Shellist & Lazarz LLP

1900 West Loop South

Suite 1910

Houston, Texas 77027

713.621.2277 (Telephone)

713.621.0993 (Facsimile)

ATTORNEY-IN-CHARGE FOR PLAINTIFF

JENNIFER ROUSSELL

Of COUNSEL:

Daryl J. Sinkule

State Bar No. 24037502

Federal I.D. No. 34842

Shellist & Lazarz LLP

1900 West Loop South

Suite 1910

Houston, Texas 77027

713.621.2277 (Telephone)

713.621.0993 (Facsimile)

Richard J. (Rex) Burch

State Bar No. 240018078

S.D. Tex. No. 21615

BRUCKNER BURCH PLLC

5847 San Felipe, Suite 3900

Houston, Texas 77057

713.877.8788 (Telephone)

713.877.8065 (Facsimile)

CERTIFICATE OF CONFERENCE

I certify that over the course of several months counsel for the parties have conferred repeatedly in person and by telephone concerning the present motion, and Fraser McAlpine as Attorney-in-Charge for Defendant has confirmed that Defendant does not oppose this motion.

Richard J. Burch

Richard J. Burch

CERTIFICATE OF SERVICE

I certify that on August 25, 2006, I served a true copy of

PLAINTIFF'S UNOPPOSED MOTION FOR NOTICE TO POTENTIAL CLASS MEMBERS

by Notice of Electronic Filing on known Filing Users or by certified mail, return receipt requested, on unknown Filing Users addressed as follows:

Fraser A. McAlpine

State Bar No. 13321300

Federal I.D. No. 3407

AKIN GUMP STRAUSS HAUER & FELD LLP

1111 Louisiana, 44th Floor

Houston, Texas 77002

Richard J. Burch

Richard J. Burch